

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/617,978

Confirmation No.: 4095

Applicant(s): Herrmann *et al.*

Filed: July 11, 2003

Art Unit: 1638

Examiner: Anne R. Kubelik

Title: ISOLATED NUCLEIC ACID MOLECULES ENCODING ORALLY ACTIVE  
ANDROCTONUS AMOREUXI PESTICIDAL BIOPEPTIDES

Docket No.: 035718/260673

Customer No.: 29122

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL  
(PATENT APPLICATION – 37 C.F.R. § 41.37)

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on December 17, 2007.
2.  Applicant claims small entity status.
3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:  
 small entity \$255.00  
 other than small entity \$510.00  

Appeal Brief fee due \$510.00

Fee is Enclosed  
 Please charge the fee to Deposit Account 16-0605.  
 Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,

David E. Cash  
Registration No. 52,706

<b>CUSTOMER NO. 00826</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	<b>ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT &amp; TRADEMARK OFFICE ON FEBRUARY 19, 2008.</b>
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